

Senate Bill No. 1418

CHAPTER 1144

An act to add Section 14670.10 to the Government Code, relating to state property.

[Approved by Governor September 30, 1996. Filed
with Secretary of State September 30, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1418, M. Thompson. State property: Sonoma Developmental Center.

Existing law requires the Department of General Services, prior to January 1, 1995, to identify state-owned real property that is or will be unused or underutilized by the landholding agency and to list those properties on the Surplus Property Inventory. Existing law requires the Department of General Services to sell, lease, or exchange annually, at fair market value, not less than 10% of the real property on the Surplus Property Inventory with the proceeds to be deposited into the General Fund.

This bill would provide that if property located at the Sonoma Developmental Center that was formerly an orchard and that has been determined to be surplus state property in accordance with existing law is leased, it shall be leased only for an agricultural or open-space purpose consistent with, but not requiring the specific local government approvals related to, certain requirements.

This bill would require the department to comply with the California Environmental Quality Act prior to accepting bids for the lease of the property.

This bill would require, as a condition of the lease, the lessee of the property to directly employ persons with developmental disabilities in numbers equal to at least 15% of their total work force at the leased site, or through employment at offsite facilities directly related to the leasehold, and to agree to restrict the use of hazardous substances.

This bill would provide that the Director of General Services may sell or exchange the property only if the transaction would result in a transfer of the property to an entity that would hold the property in perpetuity as open space or that would result in the property becoming part of the Jack London State Park.

This bill would also require that the net proceeds received by the state from the lease be deposited with 50% to the General Fund for appropriation in accordance with existing law, and 50% to a special account within the General Fund to be known as the Community Services Development Account, which would be subject to

appropriation by the Legislature to the State Department of Developmental Services, as specified.

The bill, in addition, would require the Department of General Services to enter into negotiations with the County of Sonoma regarding the conveyance of a conservation easement for property on the grounds of the Sonoma Developmental Center situated above the 1,100-foot elevation line, and if a conveyance of an easement is agreed upon, would authorize the easement on the subject property to be conveyed to a 3rd-party governmental entity upon the agreement of both the department and the county.

The people of the State of California do enact as follows:

SECTION 1. Section 14670.10 is added to the Government Code, to read:

14670.10. (a) Notwithstanding any other provision of law, if the Director of General Services leases property located at the Sonoma Developmental Center that was formerly an orchard and that has been determined to be surplus state property pursuant to Section 7 of Chapter 193 of the Statutes of 1996, the director shall lease the property only for an agricultural or open-space purpose consistent with, but not requiring the specific local government approvals related to, all of the following:

(1) The city and county general plan, specific plan, and other requirements, and other plans or policies adopted for the area within which the property is located, including any plans and regulations adopted pursuant to Chapter 4 (commencing with Section 8400) of Part 2 of Division 5 of the Water Code.

(2) The city and county zoning ordinances, regulations, and policies adopted for the area within which the property is located.

(3) The city and county building regulations and policies adopted for the area within which the property is located.

(b) Prior to accepting bids for the lease of the property, the Department of General Services shall comply with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(c) Leases of properties shall not disrupt existing trails and pathways located on the leased properties or access to trails and pathways on adjacent properties.

(d) Lessees of properties shall, as a condition of the lease, agree to restrict the use of hazardous substances, including, but not limited to, pesticides, herbicides, rodenticides, and insecticides, pursuant to the department's hazardous substance policy governing state agricultural leases.

(e) In recognition of the long history of persons with developmental disabilities working in agricultural production on the grounds of the Sonoma Developmental Center, lessees of properties

shall, as a condition of the lease, directly employ persons with developmental disabilities in numbers equal to at least 15 percent of their total work force at the leased site. Lessees may also meet this requirement through employment at offsite facilities in California directly related to the leasehold. This requirement shall be structured in a manner that recognizes that there may be periods of time when the lessee may fall below this requirement for justified reasons.

(f) Notwithstanding any other provision of law, the Director of General Services may sell or exchange the property only if the transaction would result in a transfer of the property to an entity that would hold the property in perpetuity as open space or that would result in the property becoming part of the Jack London State Park.

(g) Notwithstanding any other provision of law, the net proceeds received by the state from the lease of the property shall be deposited as follows:

(1) Fifty percent to the General Fund for appropriation as provided in Section 15863.

(2) Fifty percent to a special account within the General Fund to be known as the Community Services Development Account. All funds within this account shall be available for appropriation by the Legislature to the State Department of Developmental Services. Any interest accruing to funds deposited in the account also shall accrue to the account. It is the intent of the Legislature that the appropriations from this account shall be used for the purposes of nonrecurring expenditures within the State Department of Developmental Services such as capital expenditures for developmental centers and startup of new community-based services. The department shall report annually to the Legislature on the status of this account and how funds have been expended in the previous year.

“Net proceeds” for the purposes of this subdivision means gross proceeds less all costs necessary for the completion of the transaction, including costs incurred by the Department of General Services.

(h) The Department of General Services shall enter into negotiations with the County of Sonoma regarding the conveyance of a conservation easement for property on the grounds of the Sonoma Developmental Center situated above the 1,100-foot elevation line. If a conveyance of an easement is agreed upon, the easement on the subject property may be conveyed to a third-party governmental entity upon the agreement of both the department and the county.